Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. APPLICANT/CONTACT NAME AND ADDRESS:

Slainte LLC
2612 Glenwood Street
Anchorage, AK 99508

2. TYPE OF ACTION:

Surface Water Application for Beneficial Water Use Permit No. 76LJ 30156358

3. WATER SOURCE NAME:

Flathead River (Flathead Lake)

4. LOCATION AFFECTED BY PROJECT:

SESWNE, NENWSE Section 01, Township 26N, Range 20W, Flathead County, Montana.

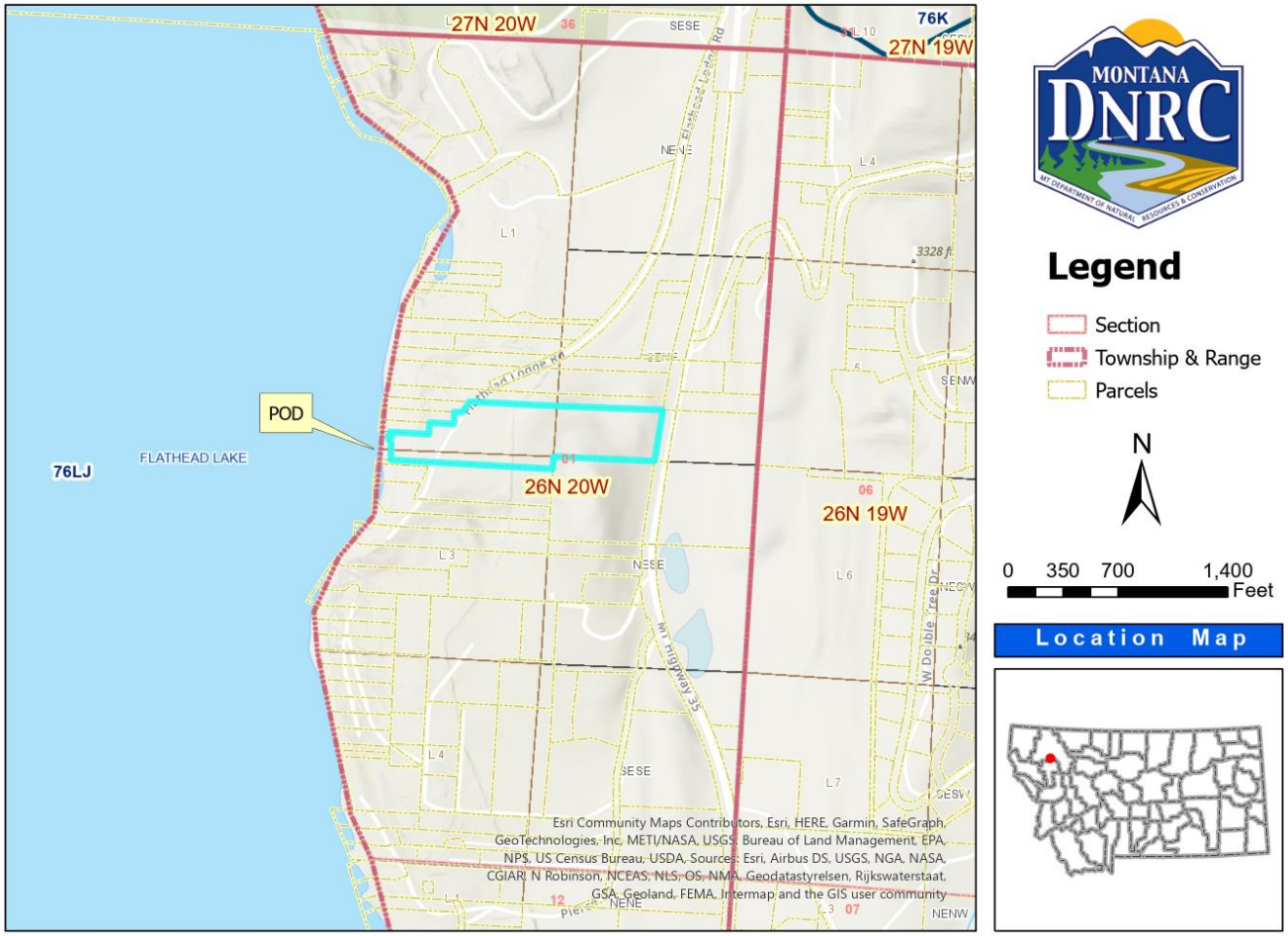

Figure 1. Map of the proposed place of use and point of diversion.

5. NARRATIVE SUMMARY OF THE PROPSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:

This application is to obtain a water use permit to divert water from Flathead River (Flathead Lake), hereafter Flathead Lake. The Applicant proposes to divert water at a rate of 31.5 gallons per minute (GPM) up to 4.93 acre-feet (AF) per year. The proposed appropriation is for 2.44 acres of cherry orchard irrigation from April 15 – October 15. The point of diversion is in NWNWSE, and place of use is in the SESWNE, NENWSE of Section 01, Township 26N, Range 20W, Flathead County, Montana (Figure 1) in the Upper Flathead River Basin (76LJ).

The DNRC shall issue a water use permit if the Applicant proves the criteria in 85-20-401 MCA are met.

6. AGENCIES CONSULTED DURING PREPARATION OF THE ENVIRONMENTAL ASSESSMENT:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center (CWAIC)
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey

Part II. Environmental Review

1. ENVIRONMENTAL IMPACT CHECKLIST:

PHYSICAL ENVIRONMENT

1.1 WATER QUANTITY, QUALITY AND DISTRIBUTION

Water Quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Applicant proposes to divert water from Flathead Lake, which is not identified by the DFWP as a chronically or periodically dewatered stream.

Determination: No significant impact.

Water Quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

According to the MDEQ CWAIC 2020 Water Quality Information, Flathead Lake is listed as "Not Fully Supporting" of aquatic life due to Mercury, Polychlorinated Biphenyls (PCBs), Nitrogen, and Phosphorus. Flathead Lake is rated as Category 5, where one or more applicable uses have been assessed as being impaired or threatened. Agriculture uses are fully supported and therefore no significant impact is expected as a result of this project.

Determination: No significant impact.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

The application is for surface water. A maximum of 30% of the diverted volume will return to groundwater and/or the original source.

Determination: No significant impact.

1.2 DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

The applicant will divert water from Flathead Lake at a maximum rate of 31.5 GPM using a Berkely B1WP centrifugal pump. The pump will draw water through approximately 50 feet of 1.25 ABS suction pipe using a foot valve. A 3-inch Sch40 PVC pipe will extend up from the pump 623 feet to the top of the orchard. The water is transmitted across the top of the orchard with 2-inch Sch40 PVC pipe (header) to each of the irrigation zones. The Applicant will irrigate multiple zones using an electronic irrigation controller and distributing water to the tree root zone via driplines. The proposed diversion works are not expected to have any impact on channels, flows, or barriers.

Determination: No significant impact.

1.3 UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and Threatened Species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern" in Section 01, Township 26N, Range 20W that could be impacted by the proposed project. Nineteen plant and animal species of concern (Table 1) were identified within the area specified above. Of these species, the Bull Trout *(Salvelinus confluentus)* and Grizzly Bear *(Ursus arctos)* are listed as threatened (LT) by the USFWS. An adequate quantity of water will still exist in the surface water source to maintain existing populations of Bull Trout, should they exist there currently. The property is situated between existing developed lots and the orchard is currently in existence; any impacts to sensitive species have most likely already occurred and further significant impacts are not anticipated.

Table 1. Species of Concern in Section 01, Township 26N, Range 20W.

Common Name	Scientific Name	U.S. FWS – Status of a taxon under the federal Endangered Species Act of 1973
Brown Creeper	Certhia americana	MBTA
Bull Trout	Salvelinus confluentus	LT; CH
Cassin's Finch	Haemorhous cassinii	MBTA; BCC10
Evening Grosbeak	Coccothraustes vespertinus	MBTA; BCC10
Fisher	Pekania pennanti	
Great Blue Heron	Ardea herodias	MBTA
Grizzly Bear	Ursus arctos	LT
Howell's Quillwort	Isoetes howellii	
Lewis's Woodpecker	Melanerpes lewis	MBTA; BCC10; BCC17
Little Brown Myotis	Myotis lucifugus	
Pacific Wren	Troglodytes pacificus	MBTA
Panic Grass	Dichanthelium acuminatum	
Pileated Woodpecker	Dryocopus pileatus	MBTA
Pygmy Whitefish	Prosopium coulterii	
Spiny-spore Quillwort	Isoetes echinospora	
Suckley Cuckoo Bumble Bee	Bombus suckleyi	
Varied Thrush	Ixoreus naevius	MBTA
Warnstorfia Moss	Sarmentypnum exannulatum	
Westslope Cutthroat Trout	Oncorhynchus clarkii lewisi	

Determination: No significant impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N/A, project does not involve wetlands.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: N/A, project does not involve ponds.

1.4 GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

It is not anticipated that the proposed 2.44 acres of irrigation will have a negative impact on the soil quality, stability, or moisture content. The soils in the project area are Courville gravelly silt loams, formed from volcanic ash over glacial till parent material. Courville gravelly silt loams are defined in hydrologic soil Group B, having moderately low runoff potential when thoroughly saturated. Soils within the place of use are not likely susceptible to saline seep.

Determination: No significant impact.

1.5 VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

It is not anticipated that issuance of a water use permit will significantly impact existing native vegetation or contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations.

Determination: No significant impact.

1.6 AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no impact to air quality associated with issuance of the proposed permit for beneficial use of groundwater.

Determination: No significant impact.

1.7 HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A, project not located on State or Federal Lands.

1.8 DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

1.9 LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

1.10 ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

1.11 HUMAN HEALTH - *Assess whether the proposed project impacts human health.*

No negative impact on human health is anticipated from this proposed use.

Determination: No significant impact.

1.12 PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

No government regulatory impacts on private property rights.

Determination: No impact.

1.13 OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(*b*) *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(*d*) *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(*f*) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. SECONDARY AND CUMULATIVE IMPACTS ON THE PHYSICAL ENVIRONMENT AND HUMAN POPULATION:

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. DESCRIBE ANY MITIGATION/STIPULATION MEASURES:

None.

4. DESCRIPTION AND ANALYSIS OF REASONABLE ALTERNATIVES TO THE PROPOSED ACTION, INCLUDING THE NO ACTION ALTERNATIVE, IF AN ALTERNATIVE IS REASONABLY AVAILABLE AND PRUDENT TO CONSIDER:

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the diversion of groundwater at this location.

Part III. Conclusion

1. PREFFERED ALTERNATIVE:

Issue a water use permit if the Applicant proves the criteria in 85-20-401 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

Based on the significance criteria evaluated in this EA, is an EIS required? **___Yes _X_No**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:

Name: Alexis Alderman
Title: Water Resource Specialist
Date: 20 April 2023